

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA

Plaintiff,

-against-

RAUL ADAMES

Defendant
-----X

04 CR 0515 (SJ)
**MEMORANDUM AND
ORDER**

JOHNSON, Senior United States District Judge.

Following a jury trial, Raul Adames ("Adames" or "Defendant") was found guilty of importing cocaine and distributing at least 5 kilograms of cocaine. (See Docket Number ("Dkt. No.") 466.) On August 27, 2008, Judge David G. Trager sentenced Defendant to 132 months of incarceration. (Dkt. Nos. 465, 466.) Adames is currently incarcerated at the Federal Correctional Institution in Jesup, Georgia. (Dkt. No. 573.) Currently before the court is Defendant's request for credit for time served. Adames contends that he was not awarded credit for his time in custody from January 15, 2008 until August 26, 2008. Defendant's Motion ("Deft. Mo.") at 2. For the reasons explained more fully below, Defendant's request is dismissed without prejudice.

As an initial matter, this Court lacks jurisdiction to hear Defendant's request because he is incarcerated within the Southern District of Georgia. See Chambers v. United States, 106 F.3d 472, 473-475; Rodriguez v. United States, 2010 WL 3603621, at *2 (E.D.N.Y. Sept. 7, 2010); Velasco v. United States, 1992 WL 135029, at *3 (E.D.N.Y. May 28, 1992); see also Rumsfeld v. Padilla, 542 U.S. 426, 437 (2004) ("Whenever a § 2241 habeas petitioner seeks to challenge his present physical custody within the United States, he should name his warden as respondent and file the petition in the district of confinement.").

Even assuming Adames could bring his claim within the Eastern District of New York, he is first required to exhaust the administrative process for this claim, see Carmona v. U.S. Bureau of Prisons, 243 F.3d 629, 634 (2d Cir. 2001); United States v. Whaley, 148 F.3d 205, 207 (2d Cir. 1998); United States v. Pineyro, 112 F.3d 43, 45-46 (2d Cir. 1997), which he failed to do. (See Sworn Declaration of Agent Vincent E. Shaw, Dkt. No. 574 Attachment #1 ("Shaw Decl.") ¶¶ 12-19.)

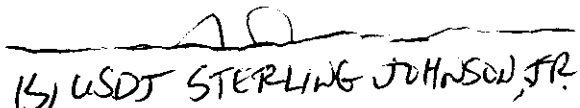
Finally, although this Court need not address the merits of Defendant's challenge, the Bureau of Prisons has awarded him a total of 227 days credit for time served, including his prior time in custody from January 15, 2008 until August 26, 2008, therefore, Defendant's motion is moot. (See Shaw Decl. p. 12.)

CONCLUSION

For the reasons set forth above, the Defendant's motion is dismissed
without prejudice.

SO ORDERED.

Dated: March 29, 2016
Brooklyn, NY


15) USDT STERLING JOHNSON, JR.
STERLING JOHNSON, JR.
Senior United States District Judge

SERA8	*	PUBLIC INFORMATION	*	02-24-2016
PAGE 003	*	INMATE DATA	*	09:09:46
		AS OF 02-24-2016		

REGNO...: 73610-053 NAME: ADAMES, RAUL

RESP OF: JES
PHONE...: 912-427-0870 FAX: 912-427-1125

-----CURRENT COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 09-30-2008 AT DSC AUTOMATICALLY
COMPUTATION CERTIFIED ON 10-06-2008 BY DESIG/SENTENCE COMPUTATION CTR

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
CURRENT COMPUTATION 010: 010 010

DATE COMPUTATION BEGAN.....: 08-27-2008
TOTAL TERM IN EFFECT.....: 132 MONTHS
TOTAL TERM IN EFFECT CONVERTED...: 11 YEARS
EARLIEST DATE OF OFFENSE.....: 08-28-2003

JAIL CREDIT.....	FROM DATE	THRU DATE
	09-28-2005	09-29-2005
	01-15-2008	08-26-2008

TOTAL PRIOR CREDIT TIME.....: 227
TOTAL INOPERATIVE TIME.....: 0
TOTAL GCT EARNED AND PROJECTED...: 517
TOTAL GCT EARNED.....: 432
STATUTORY RELEASE DATE PROJECTED: 08-12-2017
EXPIRATION FULL TERM DATE.....: 01-11-2019
TIME SERVED.....: 8 YEARS 1 MONTHS 12 DAYS
PERCENTAGE OF FULL TERM SERVED...: 73.8

PROJECTED SATISFACTION DATE.....: 08-12-2017
PROJECTED SATISFACTION METHOD....: GCT REL

G0002 MORE PAGES TO FOLLOW . . .